

Findings and Special Conditions of the Newton Conservation Commission
DEP #239-???, Daly Field Reconstruction, MA DCR & Simmons College

Findings (considered as and given equal status ad special conditions)

- Applicant: Allston Brighton Friends of Daly Field
- Representative: Fort Point Associates
- Proposal: Reconstruct fields as new athletic complex with artificial turf fields; install stormwater management system.
- Final Approved Plans: ????
- Permission was granted for: All work shown on the plans
- Required activities include: Installation of stormwater management system for Daly Rink parking lot.

Newton's Conditions

Specific to this Project

20. No work may begin until the applicant has submitted proof of receipt of the Ch 91 permit.
21. Pedestrian pathway: Sedimentation controls must be placed right along the northern edge of "pedestrian pathway pavement", and shall define the limit of work there, but for the allowance to remove the chain link fence, by hand, without disturbing existing vegetation in so doing.
22. Off-site sediment: Sediment shall not be allowed to be tracked off site. Construction entrance(s) must employ wheel-washes. Trucks leaving the site shall have their loads completely covered as per MGL Ch. 85 Sec. 36. Any dirt that is tracked off-site shall be swept. Catch-basins shall be protected and kept clean and fully operational at all times.
23. The contractor shall have dedicated impermeable washout areas for concrete equipment. Said areas shall not be near storm drains, wetland, or stormwater conveyances of any sort. Wash water shall be properly treated and disposed of.
24. Crumb rubber be from car tires only shall be allowed to be installed (no crumb from truck tires shall be used). Certification of such shall to be given to the Conservation Commission at the time of installation.
25. The O&M Plan must be crafted as a separate document and included in the MOU. A copy of the MOU and O&M Plan shall be submitted to the Conservation Commission prior to the issuance of a Certificate of Compliance.
26. The SWPP must be developed, submitted to the Conservation Commission, and adhered to at all times. It must address the Daly Field and the Daly Rink Lot. It must address BMPs for the construction period (including, for example, issues of trash control, staging, traffic controls, and contractor parking.
27. The site shall be clean at the end of each workday to prevent erosion, dust, or other detrimental effects. All stored materials shall be properly covered or contained.
28. Dewatering discharge must be captured in a "frac tank" or the equivalent, prior to discharge on site. Only clean water shall be discharged on site, and it shall be contained in a manner to preclude all erosion.
29. For three years, the applicant shall submit annual water quality and crumb rubber monitoring reports to the Conservation Commission upon receipt of them.
30. The Allston Brighton Friends of Daly Field, Simmons College, Mass DCR, and Newton Country Day School shall submit to these conditions in writing, to the extent that the conditions apply to each.

General

31. Wetlands flags in the vicinity of the work area are to be clearly marked and numbered, with a permanent, indelible marker exactly as they are surveyed on the approved plan cited in this Order. They must be maintained at all times, and be replaced if found to be missing or illegible.

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32. Any desired deviations from this plan shall be requested in writing of the Commission Office, who shall determine if said change requires filing a new Notice of Intent.
33. No Certificate of Occupancy shall be approved by Conservation unless a Certificate of Compliance has been issued or the request receives the written approval of the Sr. Environmental Planner.
34. The Newton Conservation Commission shall retain the right to require the submittal of additional information or additional construction measures deemed necessary to ensure the protection of wetland resource areas located in close proximity to the project.
35. During the construction period and prior to issuance of a Certificate of Compliance, members and agents of the Conservation Commission shall have the right to inspect the applicant's project work to evaluate compliance with the approved plans and these conditions.
36. Work shall be immediately halted on the site if an Agent of the Commission or DEP determines that any of the work is not in compliance with this Order of Conditions or Special Order of Conditions.
37. Any damage to wetland resource areas shall be the responsibility of the applicant, any successor in interest or successor in control to remediate. The applicant shall see that throughout the construction period, all measures necessary to prevent any damage to the wetland resource area are taken and should any damage occur during the course of the work on the premises, the applicant shall be responsible for and bear the full cost of restoration of the wetland to the satisfaction of the Conservation Commission and the Engineering Department.
38. Violation of any condition stated herein may result in Enforcement Action.
39. In accordance with WPA Form #5, the following must occur in association with this Order:
 - a. This Order must be recorded at the Middlesex South Registry of Deeds prior to commencement of any work and the Newton Conservation Commission must be notified that the Order has been so recorded.
 - b. No activity shall commence until the Order has been recorded and the 10-day appeal period has passed.
 - c. This Order shall not serve to limit the rights of any claimant with legal standing.
 - d. This document shall be included in all construction contracts, subcontracts, and specifications dealing with the work proposed and shall supersede any conflicting contract requirements.
 - e. Failure to comply with this Condition shall be considered cause for revocation of the Order.
 - f. A sign of minimum size two (2) feet by two (2) feet shall be displayed so as to be clearly visible from the street nearest construction activity showing DEP File No.
40. In case of emergencies, problems, or the need to discuss site conditions with the Commission, contact: Jennifer Steel: 617-796-1134.
41. "Good housekeeping practices" shall be implemented at all times, including:
 - a. appropriate limits to discharges within a Resource Area, Buffer Zone, or an area leading to a stormwater conveyance system
 - b. appropriate stockpile area management
 - c. appropriate limits to vehicle refueling, washing, etc.
 - d. appropriate litter management
 - e. appropriate controls for tire tracking

Before Work Begins

42. Before any work on-site begins, all other applicable federal, state &/or local permits and/or approvals must be obtained. Said permits and approvals may include but are not limited to: including, but not limited to, Building, Street Opening, Sidewalk Crossing and Utility Connection permits. Should the approved plans change as a result of the issuance of other permits, the Commission shall be notified and a new plan presented for review prior to commencement of construction.

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43. Before work may begin, the name(s) and telephone number(s) of the field engineer responsible for overseeing the installation and maintenance of erosion controls shall be provided to the Newton Conservation Commission.
44. Appropriate erosion control measures must be installed and maintained during the construction period until the site is stable. All soils must be contained on the site. City streets shall be kept clean and catch basins in the immediate area shall be protected from eroding soils. Containment and protection measures shall include, but are not limited to, straw wattles, compost socks or the equivalent, entrenched staked silt fence, proper construction entrances, protection of catch basins, and/or other measures as called for on the approved plans or in this order of conditions. They shall be installed along the limit of work as shown on the approved Plan of Record. Hay bales, for any purpose without explicit permission from the Commission, are prohibited by this order. An adequate supply of erosion controls shall be stored on-site at all times for emergency or routine replacement and shall include materials to repair or replace said erosion controls. Work may not begin until the erosion control have been inspected and approved.
45. The Project Supervisor(s) must:
 - a. Be given a copy of the Order Of Conditions
 - b. Keep a copy of this Order and the Approved Plan on site at all times, while work is being conducted.
 - c. Be made aware that they are responsible for compliance with this Order and may be held jointly responsible for any violations and the penalties under law for said violations.
 - d. Submit to the Commission a schedule or timeline of major events in the project.
46. Before work may begin, installation of erosion controls, recording of this Order and other project requirements shall be approved in the field by the Newton Conservation Commission at a pre-construction site visit with the Conservation Agent, to be scheduled by the Applicant and held in advance of any land disturbing activities. The following people shall be present for the pre-construction meeting:
 - a. Applicant or Applicant's Representative(s) from the Conservation Commission Public Hearings
 - b. Applicant's Construction Supervisor (person responsible for overall compliance with this Order)
 - c. Applicant's Contractor(s)
 - d. Agent(s) of the Commission
47. Notice shall be given to the Newton Conservation Commission no less than two (2) business days prior to the commencement of construction activities.

During Construction

48. A copy of the approved plans and Order of Conditions shall be kept on-site and available for review at all times. All contractors are expected to adhere to the approved plan and these Conditions.
49. Construction materials, vehicles, and earth shall be stored outside of the 100-foot buffer zone of wetland resource areas or 200-foot Riverfront Areas, unless otherwise demarcated and authorized on the approved plans. The storage of materials and sediment in the floodplain is prohibited. All dumpsters, piles of lumber, pipe and other materials shall take place outside of the floodplain. All stockpiled soils shall be located outside of the floodplain and appropriate erosion controls must be applied to ensure that sediments do not erode or blow into the wetland resource area.
50. Refueling of vehicles shall not take place within wetland resource areas, the 100-foot buffer zone of wetland resource areas &/or 200-foot Riverfront Areas.
51. Erosion control barriers shall be inspected regularly and maintained at all times. Earth shall not be backfilled against or allowed to overtop erosion control barriers. Silt and sand accumulating behind said barriers shall be removed regularly. If a breach of the erosion control barriers occurs, the

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Newton Conservation Commission shall be notified, and measures shall be taken to remediate said breach under the guidance of the Commission.

52. Erosion control barriers shall remain in place until a Certificate of Compliance is issued for said work or upon written authorization from the Newton Conservation Commission.

Upon Completion of the Project

53. Upon completion of the project, all exposed soil areas shall be stabilized and re-vegetated. Any excess spoil material which is to remain on Applicant's premises and all areas of disturbed soil shall be left stabilized with mulch, grass or other plantings and protected against erosion and sedimentation. All materials not to remain on Applicant's premises shall be removed from said premises and disposed in a legal manner.
54. Upon completion of the project, the Conservation Office shall be notified, and permission to remove sediment barriers and the DEP file number sign shall be sought.
55. Upon completion of the project, the applicant must apply for a Certificate of Compliance in accordance with DEP Condition #12, by submitting:
- A "Request for Certificate of Compliance (WPA Form 8A)", referencing the address, applicant, and DEP File number.
 - A written statement from a Professional Engineer registered in Massachusetts certifying that the work has been completed in substantial compliance with this Order of Conditions and the approved plans referenced herein (or approved revisions). If the completed work differs from that in the approved plans and conditions, the report must specify how the project differs.
 - An as-built topographic plan signed and stamped by a professional land surveyor registered in Massachusetts to complete the public record. This plan will include as-built elevations of all drainage structures constructed within 100 feet of any wetland, distances to all structures and elevations within 100 feet of wetlands.
 - A letter from a qualified wetland scientist certifying compliance with state regulations for all wetland replication or restoration. The Certificate of Compliance shall not be issued until after two growing seasons after plantings have been installed and found to be well established.

On-going Conditions

56. The approved Operations and Maintenance Plan must be adhered to.
57. The Applicant, owner, successor, or assigns shall be responsible for maintaining all on-site drainage structures and outfalls so as to maximize infiltration, and prevent erosion, sedimentation, chemical contamination, or other detrimental impact on wetland resource areas or buffers.
58. Catch-basins shall be inspected and cleaned at least twice per year (once between 3/1 and 4/30, and once between 11/1 and 12/31), more frequently if necessary.
59. Snow shall not be stockpiled into or immediately adjacent to the Charles River. Snow must be stockpiled on surfaces that direct melt water to catch basins. Deicing material and sand shall be stored and contained in areas that will not allow for their migration into wetland resource areas. Prior to April 1st, all sand and debris from the winter must be removed from the site.
60. Any trash receptacles shall be secured to the ground and covered or otherwise designed to contain the trash and prevent contamination of surrounding areas. Trash shall be collected in a timely fashion to preclude litter problems.
61. In the interest of pollution prevention, the applicant shall install and maintain pet waste bag dispensers in appropriate, visible locations within the park.